IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5044 OF 2005

Herbert Anthony Monteiro ... Petitioner

V/s.

M/s.Progressive Builders & Ors. ... Respondents

Mr.M.K. Nesari i/b V.K. Damle for Petitioner

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 3, 2005**

P.C.:

. The Petition challenges the order dated 19.1.2005 setting aside the ex-parte decree dated 16.1.2004. The ex-parte decree has been set aside since the advocates engaged by him had not filed their Vakalatnama. It appears that two different advocates were engaged by the Respondent on different occasions. However, neither of them has filed Vakalatnama and hence, the decree was passed ex-parte against the respondent.

2. The trial Court has exercised its jurisdiction available under Order 9 Rule 13 of the Code of Civil Procedure and set aside the decree of the Labour Court. I see no reason to interfere with this discretionary order which has been passed judiciously. Hence,

Petition rejected.